

**REMARKS**

Reconsideration and allowance of the subject application is respectfully requested.

Claims 1-15 have been examined. Upon this amendment, Claim 16 has been added. Claims 1-16 are all the claims pending in the application.

***Claim rejections -- 35 U.S.C. § 103***

Claims 1-15 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Troxel in view of Wang.

Claim 1 has been amended to recite the feature:

metering said actual value of said traffic reservation parameter; and  
if said actual value of said traffic reservation parameter exceeds said threshold value for said traffic reservation parameter, determining said packet marking of and marking each of said packets based on said actual value of said traffic reservation parameter when said actual value of said traffic reservation parameter exceeds said threshold value for said traffic reservation parameter, and if said actual value of said traffic reservation parameter is below said threshold value for said traffic reservation parameter, determining said packet marking of and marking each of said packets based on a pre-assigned priority of the packet.

On page 2 of the September 26, 2006 Office Action, the Examiner acknowledges that Troxel does not teach metering the actual value of the traffic reservation parameter. Thus, the Examiner cites Wang for the proposition of measuring the token bucket level, and argues that it

would have been obvious to combine the teachings for the purpose of determining “whether to marking packets based on the available bandwidth (bucket level).” However, even though Wang may teach measuring a token bucket level, there is no teaching or suggestion to apply that measurement in the novel way that is recited in amended claim 1, i.e. if the actual value exceeds the threshold, the marking is based on the actual value, and if it is below, the marking is based on the pre-assigned priority of the packet. Accordingly, Applicant respectfully submits that claim 1 is patentable.

Claim 8 has been amended to recite similar features to claim 1, and accordingly, claim 8 is also patentable. The remaining claims are patentable based on their respective dependencies.

***New claim***

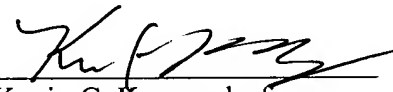
Applicant has added new claim 16, which recites features similar to amended claim 1. Accordingly, Applicant respectfully submits that claim 16 is patentable for the same reasons presented above with regard to the patentability of claim 1.

***Conclusion and request for interview***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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